

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRULE RESEARCH ASSOCIATES TEAM, L.L.C.,

Plaintiff,

v.

A. O. SMITH CORPORATION and
A.O. SMITH WATER PRODUCTS
COMPANY,

Case No. 08-C-1116

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

ORDER GRANTING GOVERNMENT'S MOTION TO INTERVENE,
AND CLOSING CASE FOR ADMINISTRATIVE PURPOSES PENDING
RESOLUTION OF RELATED PROCEEDINGS

Upon consideration of the United States' acknowledgment of challenge to the constitutionality of an act of Congress and its motion for intervention pursuant to Fed. R. Civ. P. 5.1, and 28 U.S.C. § 2403(a), and the oral stipulation of the parties at the hearing before this court on August 11, 2009,

IT IS ORDERED:

1. The Clerk shall send this order to the Attorney General of the United States, which hereby certifies that the Constitutionality of 35 U.S.C. § 292 affecting the public interest has been drawn into question.
2. The United States is permitted to intervene in this matter and the Clerk shall caption the United States as an "Intervenor" for all ministerial purposes associated with

filing pleadings and ECF notices. In addition, all the parties shall serve all pleadings filed in this action, including supporting memoranda, and any appeal notices upon the United States.

3. The United States shall file its substantive brief on the Constitutionality of 35 U.S.C. § 292, as this court may hereafter direct.

4. The Defendant and Plaintiff shall file their responses, if any, to the United States' brief within twenty-one days of the filing of the United States' brief, and the United States is to file any reply brief within fourteen days of any response brief.

5. All discovery is stayed subject to the further of this court.

6. The aforementioned briefing is suspended and this case is closed for administrative purposes pending the resolution of Case No. 07-CV-897, *Pequignot v. Solo Cup Company*, 09 WL 874488 (E.D.Va. 2009), or the written request of a party to reopen.

Dated at Milwaukee, Wisconsin, this 11th day of August, 2009.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
U. S. DISTRICT JUDGE